

Abstract

The purpose of my final thesis “Matrimonial property in the context of inheritance proceedings” is to analyse law dealings with settlements of matrimonial property and its application in inheritance proceedings. I emphasize problems caused by a lack of interconnection between the legislation of matrimonial property and the law of succession where I focus on both the substantial as well as procedural law. Furthermore, I discuss a tension between two principles – free will and protection of a surviving spouse – which emerges during the settlements of matrimonial property in the inheritance proceedings and which is apparent from the amount of rights given to the surviving spouse under the law of succession. Additionally, I compare the Czech legislation in this matter to the English law, even though England belongs to different legal culture where the concept of matrimonial property has not been fully introduced yet. However, considering the need for adjusting the Czech legislation of matrimonial property to the law of succession, I suggest that the protection which is given to the surviving spouse under English law might be inspiring for the Czech legislator.